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2
3 BY THE GLASS, LLC,
4 Plaintiff,

5 v.
6

7 FRANMARA, INC., BARPARTS, INC.,
8 THE BRAVA GROUP LLC d/b/a BRAVA
9 MARKETING PROMOTIONS, JH
10 STUDIOS, INC., SHASTA PRINTING,
11 INC., and QUICK TECHNOLOGIES, INC.

12 Defendants.
13

Case No. [13-cv-00879-BLF](#)

**ORDER DENYING STIPULATED
DISMISSAL OF ENTIRE ACTION**

Re: Dkt. No. 61

14 On April 29, 2014, Plaintiff By The Glass, LLC/Govino, LLD and Defendant Franmara,
15 Inc. submitted a “Stipulated Dismissal of Entire Action With Prejudice.” Dkt. No. 61. Because
16 the stipulation does not comply with the requirements of Fed. R. Civ. P. 41(a)(1)(A)(ii), the Court
17 declines to endorse the stipulation of dismissal.

18 Plaintiff’s initial Complaint, filed February 27, 2013, identified Franmara as the sole
19 named Defendant. Dkt. No. 1. On October 18, 2013, Plaintiff filed a First Amended Complaint
20 (“FAC”) adding BarParts, Inc., The Brava Group LLC d/b/a Brava Marketing Promotions, JH
21 Studios, Inc., Shasta Printing, Inc., and Quick Technologies, Inc. d/b/a Sage as additional
22 defendants. Dkt. No. 37. All Defendants answered the FAC on November 11, 2013, thereby
23 appearing in this action. Dkt. No. 39.

24 Federal Rule of Civil Procedure 41 permits a plaintiff to voluntarily dismiss an action
25 subject to certain restrictions. Where a plaintiff seeks to dismiss an opposing party who has
26 already answered or appeared in the case, the voluntary dismissal must be made by stipulation
27 “signed by all parties who have appeared” or by noticed motion. Fed. R. Civ. P. 41(a)(1)(A)(ii),
28 (B).

1 Here, Plaintiff and Franmara have submitted a stipulation of dismissal “[p]ursuant to
2 Federal Rule of Civil Procedure, Rule 41(a)(1)” that would dismiss, with prejudice, Plaintiff’s
3 claims against *all* named Defendants, as well as the counterclaims of *all* Defendants against
4 Plaintiff. *See* Dkt. No. 61. However, the stipulation is only signed by counsel for Plaintiff and
5 counsel for Franmara. *Id.* There is no evidence that the other named Defendants have signed on
6 to this stipulation of dismissal. If Plaintiff seeks to dismiss its claims against all Defendants—and
7 if all of the Defendants seek to dismiss their counterclaims against Plaintiff—the parties must file
8 a stipulation of dismissal signed by all parties in this action who have appeared.

Because Plaintiff and Franmara's stipulation of dismissal is not signed by all parties who have appeared, the Court cannot endorse said dismissal. The requested dismissal is accordingly DENIED, without prejudice, and with leave to re-file a stipulation that complies with the Federal Rules of Civil Procedure and any applicable standing orders of the Court.

IT IS SO ORDERED.

Dated: May 2, 2014

Beth Labson Freeman
BETH LABSON FREEMAN
United States District Judge